

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Defendant Haider Engineering, P.C.
3 Gannett Drive
White Plains, NY 10604
(914) 323-7000
Attn: Peter A. Meisels, Esq. (PM-5018)
Lalit K. Loomba, Esq. (LL 9755)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JOHN CARELLO, : 03 Civ. 2914 (CS)

Plaintiff, :
-against- : **DECLARATION OF**
 : **LALIT K. LOOMBA, ESQ.**
THE CITY OF NEW ROCHELLE, THE NEW ROCHELLE
POLICE DEPARTMENT, P.O. GEORGE ROSENBERGEN, :
AND P.O. JOHN/JANE DOES, :
 :
Defendants. :
----- X

LALIT K. LOOMBA, an attorney admitted to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York, hereby declares under penalty of perjury, pursuant to 28 U.S.C. §1746, as follows:

1. I am Of Counsel to the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP. I submit this declaration in support of the motion by defendants City of New Rochelle (s/h/a “The City of New Rochelle” and The New Rochelle Police Department”) and George Rosenbergen (hereinafter, the “Defendants”) for partial summary judgment dismissing with prejudice plaintiff’s claim for unlawful seizure in violation of the Fourth Amendment.
2. Annexed hereto as **Exhibit A** are relevant pages from the deposition of John Carello, taken October 18, 2007.

3. Annexed hereto as **Exhibit B** are relevant pages from the deposition of George Rosenbergen, taken July 15, 2009.

4. Annexed hereto as **Exhibit C** is a copy of Section 2.3 of Article 6.01 of the New Rochelle Police Department Manual of Procedure.

5. Annexed hereto as **Exhibit D** is a copy of the notice of claim filed by plaintiff John Carello ("Carello") with the City of New Rochelle on April 6, 2006.

6. Annexed hereto as **Exhibit E** is a copy of Carello's verified complaint, filed in this Court on April 11, 2007.

7. Annexed hereto as **Exhibit F** is a copy of Defendants' answer, filed June 29, 2007

8. Annexed hereto as **Exhibit G** is a copy of the transcript of the decision of the Court (Seibel, *J.*) read into the record on January 7, 2009.

9. Annexed hereto as **Exhibit H** is a copy of the letter dated September 2, 2009 to the Court from Carello's attorneys.

10. I am not aware of any dispute as to the authenticity of the documents annexed hereto.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2009.



Lalit K. Loomba